

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAFAEL PONCE,

Plaintiff,

v.

9:04-CV-1014
(NAM/GHL)

UNITED STATES OF AMERICA; FEDERAL
BUREAU OF PRISONS; and DAWN MARINI, M.D.,

Defendants.

APPEARANCES:

OF COUNSEL:

RAFAEL PONCE
Plaintiff, *Pro Se*
2080 Dancer Court
Escondido, CA 92026

HON. GLENN T. SUDDABY
United States Attorney for the
Northern District of New York
Counsel for Defendants
James T. Foley United States Courthouse
445 Broadway, Room 218
Albany, NY 12207-0247

DIANE J. CAGINO, ESQ.
Assistant United States Attorney

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 28th day of September, 2006. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.

2. The Defendants' motion for summary judgment and or to dismiss (Dkt. No. 14) is granted.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: October 19, 2006
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge